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U.S. DISTRICT COURT FILED AUG - 4 2006 S.D. OF N.Y.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE "A MILLION LITTLE PIECES" LITIGATION

06 MD 1771 (RJH)

ALL CASES

ORDER

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PRACTICE AND PROCEDURE ORDER UPON TRANSFER PURSUANT TO 28 U.S.C. § 1407(a)

1. This order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its order of June 14, 2006, as well as all related actions originally filed in this Court or transferred or removed to this Court. These actions are listed in Schedule A attached hereto. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

In Re: "A Million Little Pieces" Litigation Doc. 6

2. The actions described in paragraph 1 of this order are hereby consolidated for pretrial purposes. The caption of this consolidated action shall be hereinafter referred to as "In re 'A Million Little Pieces' Litigation." All relevant documents and submissions shall be maintained as one file under Master File No. 06 MD 1771 (RJH). Further case management and filing procedures will be established at the initial pre-trial conference, which will be attended by the Clerk of this Court and the Chief Deputy.

3. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.

4. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

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5. The parties shall present to the Court at the first pretrial conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included on such list.

6. Prior to the first pretrial conference, counsel for plaintiffs and counsel for defendants shall designate liaison counsel, subject to the approval of the Court. Liaison counsel shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notice to the parties in their liaison group. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multidistrict Litigation pursuant to Rule 8(e) of the Panel's Rules of Procedure on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group.

7. No parties to any of these actions shall be required to obtain local counsel in this district. Counsel not admitted to practice in the Southern District of New York shall be admitted *pro hac vice* upon motion subsequent to the initial pre-trial conference.

8. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.

9. Any orders previously entered by any transferor district court shall remain in full force and effect unless modified by the Court upon application.

10. All discovery proceedings in these actions are stayed until further order of this Court and the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, are tolled until the first pretrial conference at which time a discovery schedule will be established. The parties are invited to stipulate to a discovery schedule. If the parties can agree on a discovery schedule, the Court will ordinary incorporate the agreement into the scheduling order.

11. Counsel should familiarize themselves with the Local Rules for this Court, which are available at http://www.nysd.uscourts.gov/rules/rules.htm.
Judge Holwell's individual practices are at
www.nysd.uscourts.gov/Individual_Practices/Holwell.pdf.

12. The Court will be guided by the Manual for Complex Litigation, Second, approved by the Judicial Conference of the United States, and counsel are directed to familiarize themselves with that publication.

13. All other matters will be discussed at the initial pretrial conference. At the request of several counsel, the conference previously scheduled for August 23, 2006 at 2:30 p.m. is adjourned to **Wednesday, September 13, 2006, at 10:00 a.m. in Courtroom 17B, 500 Pearl Street, New York, New York.** Counsel may furnish suggestions for items to be included on the agenda for this conference on or before September 8, 2006.

SO ORDERED.

Dated: New York, New York
July 31, 2006

Richard J. Holwell
United States District Judge

SCHEDULE A

In re "A Million Little Pieces" Litigation, MDL-1771

Central District of California

Sara Rubenstein v. James Frey, et al., C.A. No. 2:06-1029
Garrett Hauenstein, et al. v. James Frey, et al., C.A. No. 2:06-1030

Northern District of Illinois

Ann Marie Strack v. James Frey, et al., C.A. No. 1:06-933
Pilar More v. James Frey, et al., C.A. No. 1:06-934
Marcia Vedral v. James Frey, et al., C.A. No. 1:06-935

Southern District of New York

Michele Snow v. Doubleday, et al., C.A. No. 1:06-669
Jimmy Floyd v. Doubleday, et al., C.A. No. 1:06-693
Diane Marolda v. James Frey, et al., C.A. No. 1:06-1167

Southern District of Ohio

Jill Giles v. James Frey, et al., C.A. No. 1:06-58

Western District of Washington

Shera Paglinawan, et al. v. James Frey, et al., C.A. No. 2:06-99

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